

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Environmental Protection

RULE TITLE: State Implementation Plan Amendments

CONCISE SUMMARY: The Department is proposing to amend the Maine State Implementation Plan (SIP) to address requirements for the implementation of reasonably available control technology (RACT) pursuant to the 1990 Clean Air Act Amendments (CAA) and the U.S. EPA's "Final Rule to implement the 8-Hour Ozone National Ambient Air Quality Standard" (70 FR 71612, November 29, 2005). Under the CAA and federal rules, Maine must submit a demonstration that its current rules fulfill 8-hour ozone RACT requirements for all Control Technique Guideline (CTG) categories and all major, non-CTG sources. This demonstration can be made with either a new RACT determination or a certification that previously-required RACT controls represent RACT for the 1997 8-hour ozone standard.

After reviewing its existing rules, the Department has concluded that its existing regulations for CTG sources still represent RACT, with the exception of the Chapter 131 Cutback Asphalt and Emulsified Asphalt rule, for which it has proposed amendments in a separate rulemaking action. The Department has also concluded that all major stationary sources of volatile organic compounds and nitrogen oxides are meeting the RACT requirements, but that the McCain Foods USA, Inc. Tatermeal Facility VOC RACT determination was never submitted to EPA for inclusion in the SIP. The Department is therefore including this Air Emission License (#A-459-71-D-A) in this proposal.

Copies of this proposal are available upon request by contacting the Agency contact person listed below or on the DEP website at www.state.me.us/dep/air/regulations/proposed.htm.

Pursuant to Maine law, interested parties must be publicly notified of the proposed rulemaking, and provided an opportunity for comment. Any party interested in providing public comment can provide written comments before the end of the comment period. Although the Department has not scheduled a public hearing on this proposal, a public hearing will be scheduled if any requests are received prior to the close of the public comment period. All comments or requests for a public hearing should be sent to the Agency contact person.

STATUTORY AUTHORITY: 38 MRSA § 585-A

PUBLIC HEARING: No public hearing is scheduled. These amendments are being posted to a 30-day comment period. A public hearing will be held if requested before the close of comments.

DEADLINE FOR COMMENTS: July 24, 2009

AGENCY CONTACT PERSON: Jeff Crawford

AGENCY NAME: Bureau of Air Quality Control
Department of Environmental Protection

ADDRESS: 17 State House Station
Augusta, ME 04333

TELEPHONE: 207-287-2437
